

REMARKS

Claims 1-15 are all the claims pending in the application. Applicant thanks the Examiner for indicating that claims 13 and 15 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.¹ In summary, the Examiner no longer rejects the claims over the previously applied references, Bell and Miyashita, however, the Examiner now rejects claims 1-12 and 14 over a new applied reference, Matsuda et al. (U.S. Patent Appln. Publication No. 2001/0014616).

With respect to independent claim 1, Applicant amends this claim, as indicated herein, and submits that Matsuda does not teach or suggest at least, “dynamically selecting at least one signaling mode and/or at least one signaling device available in said receiver terminal as a function of the state of said at least one parameter relating to the sender and another parameter programmed by said user,” as recited in claim 1. Paragraph 9 of Matsuda (detailed in paragraph 46) deals with the way to build the different kinds of signaling modes, but absolutely does not discuss the possibility of using another parameter in order to select between the different kinds of existing signaling modes. That is, in amended claim 2, dynamic selection is based on at least two conditions (1) said at least one parameter and 2) said another parameter). On the other hand, in Matsuda, selection always appears to be based on a single condition (see the five embodiments respectively described from paragraphs 39, 50, 53, 59, 68 or the seven embodiments separately claimed in claims 9 to 15). Thus, at least based on the foregoing, Applicant submits that amended, independent claim 1 is patentably distinguishable over Matsuda.

¹ Claims 13 and 15 have been amended, as indicated herein, to place these claims in independent form, and Applicant believes that these claim are in condition for allowance.

The Amendment to claim 1 should be entered as it simply combines the features of previously recited claim 2 with the features of previously recited claim 1. Applicant does not believe that further search and/or consideration should be necessary.

Applicant submits that independent claim 10² is patentable at least for reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 2³-7, 9, 11, 12, and 14 are patentable at least by virtue of their dependencies.

With respect to claim 8, Applicant amends this claim, as indicated herein, to place it in independent form and submits that Matsuda does not teach or suggest at least, "wherein, each time a new incoming call or message is received, at least one signaling mode and/or at least one signaling device or a combination of signaling modes and/or devices are determined, in conjunction with respective degrees of intensity of their use, by selecting said modes and/or devices on the basis of one or more graduated scales," as recited in claim 8. The Examiner cites paragraph 10 of Matsuda to support the allegation that the specific features set forth in claim 8 are taught by Matsuda. Nowhere, however, does Matsuda describe that at least one signaling mode and/or at least one signaling device or a combination of signaling modes and/or devices are determined, in conjunction with respective degrees of intensity of their use. Yet further, nowhere does Matsuda discuss selecting modes and/or devices on the basis of one or more graduated scales. Therefore, at least based on the foregoing, Applicant submits that claim 8 is patentably distinguishable over Matsuda.

Further, with respect to claim 11, Applicant amends this claim for clarification purposes and submits that Matsuda does not teach or suggest at least, "said history file being updated automatically on each new call or message at least by creating a new location in said history file

² Claim 10 is amended, as indicated herein, for clarification purposes.

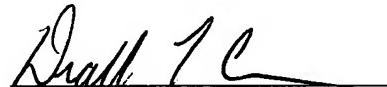
³ Claim 2 is amended to be consistent with claim 1. Applicant does not believe that further search and/or consideration is necessary.

for storing the number or the address of said sender and the corresponding variable or indicator," as recited in amended claim 11. Matsuda does not even mention and the Examiner does not even address the above-underlined feature of the present invention, as recited in claim 11. That is, nowhere does Matsuda even mention the creation of a new location in a history file. Therefore, at least based on the foregoing, Applicant submits that claim 11 is patentably distinguishable over Matsuda.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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